



## JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE  
OF THE UNITED STATES  
*Presiding*

LEONIDAS RALPH MECHAM  
*Secretary*

February 17, 2005

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

On behalf of the Judicial Conference of the United States, I am submitting a proposed emergency supplemental appropriations request for the judiciary totaling \$101.8 million for fiscal year 2005 and ask that you transmit it as quickly as possible to the Congress for their consideration as part of the Iraq War and Tsunami Relief Supplemental. Of the total amount requested, \$91.3 million is for costs associated with the Supreme Court's recent twin majority opinions in *United States v. Booker* and *United States v. Fanfan (Booker)*. This decision, which made the U.S. Sentencing Guidelines advisory and certain enhancements to the Guidelines unconstitutional will have an immediate impact on the judiciary's workload. In addition to increased workload associated with pending and new cases, a significant number of federal inmates are expected to seek relief by asking the district and appellate courts to reconsider their sentences. The remaining \$10.5 million is to cover the impact of S. 5, the "Class Action Fairness Act of 2005" which is expected to be enacted shortly. The Congressional Budget Office estimates that as a result of this legislation about 300 additional class action cases would be heard in federal court each year. The amount requested would cover the judiciary's costs associated with these new cases.

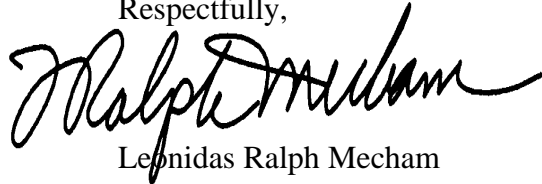
In light of the constrained budgetary situation facing the judiciary it is not feasible to absorb these costs within existing resources. During fiscal year 2004, the judiciary lost 1,350 positions due to insufficient appropriations. The fiscal year 2005 appropriation for the judiciary, while sufficient to stop further staff losses, funds court staff at a level below those funded in FY 2001. Court staff continue to struggle with absorbing the already burgeoning workload with fewer staff. The judiciary has neither the financial nor personnel resources to cover these new workload requirements.

Enclosed is a detailed description of the cost impact of both the *Booker* decision as well as the Class Action legislation. I should point out that no additional resources have been included for the costs associated with the Bankruptcy Reform legislation although all indications are that this bill is likely to be enacted this year. Should the Bankruptcy Reform legislation pass in the near future, this would also have a significant financial impact on the courts and it may be necessary for the judiciary to seek additional funds at that time.

Mr. President  
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Thank you for your prompt consideration of this request and your continuing support of the federal Judiciary.

Respectfully,

A handwritten signature in black ink, appearing to read "Leonidas Ralph Mecham". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Leonidas Ralph Mecham  
Secretary

Enclosure